

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, June 10, 2003

Tuesday, 9:01 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Lambke, Martz, Schlapp present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Graves, City Clerk; present.

Father John Sherlock, St. Mary's Cathedral, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the regular meeting of June 3, 2003 were approved 7 to 0.

AWARDS AND PRESENTATIONS

CLEAN WATER	The Clean Water Partner Award was presented.
YOUTH SERVICE	Wichita's Promise – Youth Community Service Awards were presented.
DAB YOUTH	District Advisory Board Youth Members were recognized.
PROCLAMATIONS	Proclamations previously approved were presented.

NEW BUSINESS**BUILDERS, INC. PUBLIC HEARING: BUILDERS, INC., RESOLUTION OF SUPPORT FOR LOW-INCOME HOUSING TAX CREDIT APPLICATION.**

Mark Stanberry Housing Services reviewed the Item.

Agenda Report No. 03-0611

Builders, Inc., has requested a Resolution of Support from the City Council, in connection with an application for Low-Income Housing Tax Credits (LIHTC's) to be submitted to the State of Kansas. The State of Kansas requires developers and property owners to obtain a Resolution of Support from the local government, when applications are submitted for financing through the Low-Income Housing Tax Credit Program.

Under the City's adopted LIHTC policy, applicants must present proposed projects to the applicable District Advisory Board (DAB). A subsequent review is required by the Housing Advisory Board (HAB) and the City's Development Coordinating Committee (DCC). In addition, the Planning Department and the Office of Central Inspection review the project for design appropriateness. Once the project is reviewed and approved by the DAB, the HAB, DCC, Planning and OCI, it is forwarded to the City Council for a public hearing with a recommendation regarding the requested Resolution of Support.

The proposed project is the renovation of the Parklane Gardens Apartment complex, which is located at 959 S. Bleckley. Builders, Inc. (Builders) is the property owner. Amenities include a swimming pool

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and clubhouse. All units have central heating/air conditioning, carpet, vinyl flooring, and kitchen appliances. The apartment complex contains eighty-seven (87) units of efficiency, one, two, and three bedroom apartments. All units will have washer/dryer connections, central heating and air conditioning, carpet and vinyl flooring, and kitchen appliances.

The proposed renovation of the apartments will include new cabinetry and woodwork, new plumbing fixtures, new windows and doors, new lighting fixtures, new heating and air conditioning units, new floor coverings and complete drywall repair. Common area improvements will include exterior painting, a sprinkler system, new entries on Bleckley Street for the 1000 and 1200 buildings, as well as improved patios at the rear of these buildings.

Other improvements include wrought-iron fencing, a new intercom system, a new roof on the 951 building, asphalt paving of the parking areas, a wheelchair ramp for the clubhouse, upgrading of the on-site laundry facilities and improved landscaping.

Builders has amended to modify its tax credit application in order to provide for eighteen (18) units of market-rate housing. Sixty-Nine (69) units will be LIHTC-assisted. In accordance with the City's Tax Credit Policy, at least 20% of the apartment units must be made available to market rate tenants. The newly proposed unit make-up will satisfy the requirements of the City's Low Income Housing Tax Credit Policy.

The project has been reviewed by the Housing Services Department and has received recommendation for approval of the resolution by the District 3 Advisory Board, the Housing Advisory Board (following comment on the project by the Planning Department and the Office of Central Inspection), and the Development Coordinating Committee. Further, in accordance with City Council Resolution No. R-95-479, the developer has notified property owners within 200 feet of the project, in order to allow them the opportunity to provide comment on the project.

Low Income Housing Tax Credits will be one component of the financing package for the proposed renovation. The property owner will utilize cash on-hand to cover the remainder of the expense. The City will not be participating in the project financing.

City Council Resolution No. R-95-479 requires that the City Council hold a public hearing. Upon closing the public hearing the Council may vote on a motion to approve the resolution of support for the application of low-income housing tax credits. The resolution document will be approved as to form by the City Law Department.

Mayor Mayans Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion -- carried Lambke moved that the public hearing be closed and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. H-03-03

A Resolution establishing support for an application for low income tax credits, as required by the State of Kansas, presented. Lambke moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayan.

HALL OF FAME

KANSAS SPORTS HALL OF FAME SUBLEASE AMENDMENT.

Allen Bell Financial Projects Director reviewed the Item.

Agenda Report No. 03-0612

On May 6, 2003, the Wichita City Council took action to approve the various bond documents needed in connection with the issuance of \$1.7 million in lease revenue bonds by the Wichita Public Building Commission to finance the acquisition and renovation of an Old Town warehouse property for use as the new home to the Kansas Sports Hall of Fame. One of the documents needed to secure the PBC bond issue is a sublease agreement between the City and the Kansas Sports Hall of Fame. Included in

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the sublease is a standard provision that allows the subtenant to purchase the leased property once the bonds have been repaid. However, due to a drafting error, the purchase option provision in the sublease agreement approved by the City Council misstated the purchase option that was intended.

A standard provision of lease revenue bond financings, including public building commission bonds and industrial revenue bonds, is for the tenant in the lease securing the bonds to have an option to purchase the bond-financed property after the bonds have been fully paid. Indeed, as the prime tenant in the PBC bond issue for the Kansas Sports Hall of Fame, the City does have such an option. It is the intent of the parties that the City should pass this option through to the Kansas Sports Hall of Fame through the sublease agreement.

Generally speaking, bonds are deemed to be fully paid when one of three conditions are met. Bonds are deemed to be fully paid when they reach the final maturity date and final payment has been made to the paying agent for the bonds. Bonds are deemed to be fully paid when they have been called for redemption prior to final maturity and payment of the redemption price has been made to the paying agent. Or bonds may be deemed to be fully paid when an amount had been placed in an irrevocable escrow account, held by the paying agent, that is certified to be sufficient to make all payments of principal and interest on the bonds until they may be called for redemption, and then to pay the redemption price. This last method is referred to as "defeasance" of the bonds.

The prime lease between the PBC and the City allows the City to exercise its purchase option at any time if the PBC bonds have been defeased as described above. However, the language in the purchase option provision contained in the sublease between the City and the Sports Hall of Fame states that the purchase option may only be exercised after the bonds have been redeemed, which under the terms of the bond issue is not until 2013.

The Sports Hall of Fame wishes to preserve the option of purchasing the property from the City through a defeasance that could occur in the near future. The proposed amendment to the sublease agreement would allow the Sports Hall of Fame to purchase the property at any time by paying the City a purchase option price equal to an amount sufficient to fully pay, redeem or defease the PBC bonds, plus any funds advanced by the City to pay debt service on the PBC bonds during the first two years of the sublease period.

There is no financial impact on the City of Wichita resulting from the proposed amendment to the sublease agreement.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion --

-- carried

Gray moved that the Sublease Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

OLD TOWN CINEMA

ORDINANCE PERTAINING TO CONSUMPTION OF ALCOHOL ON PUBLIC PROPERTY – OLD TOWN CINEMA PLAZA. (District VI)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 03-0613

The Kansas Legislature and the Code of the City of Wichita forbid the consumption of alcohol on public property. However, K.S.A. 41-719 provides that any city may exempt from this prohibition, by ordinance, any specified property, the title of which is vested in the City. The property at Second Street and Mead Avenue, where the Old Town Square Plaza is located, is owned by the City of Wichita. Accordingly, in order to accommodate a pending event, an ordinance amendment is necessary to exempt this property from the prohibition against such alcohol consumption.

Section 4.04.045 of the City Code lists public property that is exempt from the prohibition against consumption of alcohol thereon. The proposed ordinance amendment adds the Old Town Square Plaza

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area located at Second Street and Mead Avenue to the list, and would exempt such property from the alcohol consumption prohibition.

The Old Town Warren Theatre, located across the street from the Old Town Square Plaza, has applied for a temporary permit to hold a special event on the Old Town Square Plaza on June 14, 2003. The event is a charitable fundraiser for Catholic Charities, held in connection with the opening of the Old Town Warren Theatre, and it is their desire to serve food and beverages (including alcoholic beverages) at the catered event. The requested amendment to the City Code will allow this to proceed.

There are no financial considerations.

The timing of the request in relation to the scheduled event requires adoption of the ordinance on first reading, following a declaration of public emergency.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion --
-- carried

Fearey moved that an emergency be declared and the Ordinance be adopted on first reading. Motion carried 7 to 0.

ORDINANCE NO. 45-732

An Ordinance amending Section 4.04.045 of the Code of the City of Wichita, Kansas, pertaining to Fearey moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

HOME CHDO FUND. HOME CHDO HOUSING DEVELOPMENT FUNDING. (Districts I, III, IV, V, VI)

Mark Stanberry

Housing Services reviewed the Item.

Agenda Report No. 03-0614

In March 2003, the City Council approved an allocation of \$350,000 in HOME funds for housing development projects to be carried out by Mennonite Housing Rehabilitation Services, Inc., (MHRS) and Community Housing Services of Wichita/Sedgwick County, Inc. (CHS). The agencies are City-approved Community Housing Development Organizations (CHDO's). Both agencies received funding allocations as part of the Consolidated Plan funding process. MHRS was allocated \$150,000, for development subsidy for the construction of at least six new single-family homes in the City's Local Investment Areas. CHS was allocated \$200,000, to subsidize the rehabilitation/renovation of six single-family residences in the Northeast or North Central Local Investment Areas. Further, the City Council approved an allocation of \$250,000 for the CHDO Boarded-up House Program. This program provides a means for CHDO's to obtain zero-interest, forgivable loans to address blighted housing in the City's Local Investment Areas (LIA's). City-approved CHDO's with experience in single-family housing development are eligible for participation in the program, and may utilize the funding to acquire boarded-up or otherwise blighted structures for the purpose of rehabilitation or demolition and construction of a new home.

CHS is completing a housing development project with prior year HOME CHDO funding. CHS was awarded funding by the City Council as a part of the 1999-2000 Consolidated Plan funding process. The funding was provided to enable CHS to undertake a program to purchase and rehabilitate 10 single family homes in the Northeast or Midtown Local Investment Areas, and re-sell the homes to first-time homebuyers who would be eligible for the City's HOMEownership 80 program. To date, three (3) homes have been completed and re-sold under this agreement. Two additional homes have been acquired and are currently undergoing renovation. These projects will not be completed by June 30, 2003, the current contract expiration date. Approximately \$30,000 of entitlement funding remains for this project.

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Housing Services is requesting approval for new funding agreements for CHS and MHRS, and extension of the contract for CHS' prior year funding, not to exceed a period of one year. The new MHRS funding agreement will provide \$150,000 of HOME funding and the new CHS agreement will provide \$200,000 of HOME funding, as previously approved by the City Council. CHDO development funding will be used for site acquisition and construction and/or rehabilitation expenses as specified earlier in this report.

Housing Services is also requesting approval for the funding agreement providing for the \$150,000 that was allocated for the 2003-2004 Boarded-up House Program, which was approved as part of the 2003-2004 Consolidated Plan funding process. Community Housing Services, Mennonite Housing, Wichita Indochinese Center and Power CDC will be parties to the agreement.

Further, Housing Services is requesting approval for extension of the CHS contract, which will provide for a change in the date for completion of construction from June 30, 2003 to June 30, 2004.

Total project cost for each of the two new CHDO development projects is estimated to be \$1,000,000, which will cover the construction or rehabilitation cost of 10 to 12 homes, including site acquisition, and demolition, if necessary. MHRS and CHS will be leveraging HOME funds with private sector construction loans or other financing. Agencies participating in the Boarded-up HOME program will also leverage HOME funds with private sector construction loans.

Funding agreements and any amendments will be approved as to form by the City Law Department. HOME regulations require completion of HOME-eligible projects on sites purchased with HOME funds. With the exception of the Boarded-up HOME program funding, the CHDO project funding is provided as part of the City's mandatory 15% set-aside for eligible CHDO's.

Mayor Mayans

Mayor Mayans inquired if anyone wished to be heard and no one appeared.

Motion --

Mayans moved that the HOME funding contract for Mennonite Housing; the HOME funding agreement and amendment for Community Housing Services; and the new funding agreement for the Boarded-up HOME program be approved; and that the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

CITY COUNCIL AGENDA

APPOINTMENTS

BOARD APPOINTMENTS.

Motion -- carried

Lambke appointed Coleen Craig, Park Board, and moved that the appointment be approved.

Motion --

Sharon Fearey appointed Rick Shellenbarger, Rosalie Bradley, Bob Schreck, Dick Rumsey, Maurine Willis, Bob Wine, Annie Best, Jaya Escobar, C. Bickley Foster, Paul L. Daemen, Jose Arturo Marquez to DAB VI; David Pendergraft, John Guthridge, Robert Johnson, Sandra Whittington and Florena Schneweis as DAB VI Alternates; Rosalie Bradley, Alternative Correctional Housing; Claire Willenberg, Code Standards and Appeals; Janet Miller, Park; Bickley Foster, Zoning Appeals; Randal Steiner, Historic Preservation; Tony Rangel, Housing; Gerald Layman and Cathy Landwehr; Library; Elizabeth Bishop, MAPC; James Faith, Police & Fire Retirement; Jean Schodorf, Sister Cities; Brad Biddle; Public Building Commission; Gregory Chinn, Wichita Employees Retirement; and Charles Fletcher, Airport, and moved that the appointments be approved. Motion carried 7 to 0.

-- carried

Motion --

Gray appointed Jerry MGinty, Ed Koon, Jim Benton, Iola Crandall, Wayne Wells, and Rex Gray to DAB IV; June Bailey, Park; Jim Skelton, Zoning Appeals; Kim Edgington, Historical Preservation, Ed Koon, Library; Tim Austin; Airport; and Carolyn Conley, Employees Retirement, and moved that the appointments be approved. Motion carried 7 to 0.

-- carried

Motion --

Brewer appointed Sharon Meyers, DAB I Alternate; John Youle; Code Standards & Appeals; Glen R. Dey; Park; Erma Markham, Zoning Appeals; and George Platt, Historic Preservation; and moved that the appointments be approved. Motion carried 7 to 0.

-- carried

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Motion -- Schlapp appointed Bobby Harris; Park; Min Easterman; Historic Preservation; Tim Moore and Nancy Ogle; Library Board; M.S. Mitchell, MAPC; and moved that the appointments be approved. Motion carried 7 to 0.
-- carried

OFF AGENDA ITEM **FIREWORKS**

Motion -- Lambke moved that the rules be set aside and an Item be taken up off the Agenda. Motion carried 7 to 0.
-- carried

Council Member Lambke Council Member Lambke said the June 3, 2003, Fireworks Item was returned to the Task Force for additional work. This action is troubling since the Task Force devoted considerable time through several meetings to the issue, and then gave the City Council recommendations. The City Council should give Staff direction on this issue. City Council members had questions regarding the curfew, increased fines, and enforcement. The critical item is enforcement. There should be additional direction for the upcoming July 4th.

Council Member Fearey Council Member Fearey stated that she has heard over and over that the paperwork involved in issuing a citation is overwhelming. Reducing the paperwork involved is a place to start. Council Member Fearey said she would also like to see the Task Force continue. The educational process has been started. Some use of the City's channel would be beneficial and not present an additional cost. Police and Fire personnel should be encouraged to uphold the City's current laws.

Council Member Martz Council Member Martz spoke in favor of making the citation form shorter and enforcing current law.

Chris Cherches City Manager said there will also be a Staff Task Force to talk about consistency and ensure there is understanding of current ordinances. An Ordinance can be enforced if the officer sees the violation. It is impossible, without an army, to enforce the law on every street at every moment. Either the officer must see the violation or a citizen has to sign a complaint to bring the matter into court. If citizens do not want to comply, it is very difficult to enforce the law.

The Staff Task Force will be meeting to find out what is needed to control and make sure there is consistency in enforcement. There cannot be a guaranty of complete prevention of shooting fireworks.

Council Member Schlapp Council Member Schlapp suggested the press/media be asked to help in the effort. If the public perceives that there will be enforcement, education will be extremely important and the media will be an important vehicle to accomplish the education.

Council Member Gray Council Member Gray said that officers have the discretion of whether or not to write a citation. It needs to be kept in mind the observing officer's perception, and the officer might confiscate the fireworks instead of issuing a citation. This is similar to prohibition. Fireworks are ingrained in cultures. Many will use fireworks irregardless of the City's efforts, and will do so whether or not it is illegal. These people believe it is their right and try to abolish fireworks will be futile. People firing fireworks will not go away unless fireworks are removed from the State of Kansas. People know fireworks are illegal. More police and fire officers are needed for everyday incidents and crime than for fireworks.

Council Member Fearey Council Member Fearey said fireworks available to be purchased inside the City limits can still be used. Patriotism can be shown in a legal, safer way.

Council Member Fearey said she would like Staff to also look at the issue in the same way the Neighborhood Initiative was done with everyone involved being able to write citations

Motion -- Lambke moved that Staff be instructed to simplify the citation notices/form; and the City Manager be instructed to have the law enforced to the best of the City's ability, including overtime as entailed.

Subst. Motion -- Martz moved a substitute motion that Staff be instructed to simplify the citation notices/form; and the City Manager be instructed to have the law enforced to the best of the City's ability (overtime omitted).
-- carried Substitute motion carried 6 to 1. Gray – No.

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CONSENT AGENDA

Mayans moved that that the Consent Agenda, be approved as consensus Items. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JUNE 9, 2003.

Bids were opened June 6, 2003, pursuant to advertisements published on:

Water distribution system to serve Ridge Port Addition and Ridge Port Third Addition - north of 29th Street North, east of Ridge. (448-89825/735130 /470800) Does not affect existing traffic. (District V) - \$73,000.00

Duling Construction - \$38,876.00

21st Street right turn lane to serve Messiah Baptist Church 4th Addition - north of 21st Street North, west of 127th Street East. (472-83558/765746/ /490857) Does not affect existing traffic. (District II) - \$178,200.00

Cornejo & Sons Construction - \$76,447.15

Lynette Woodard Tennis and Basketball Court Rehabilitation (2003 CDBG) - south of 21st Street North, east of Hydraulic. (472-83795/602528 /602454/785037/800204/010181/602470) Does not affect existing traffic. (District I)

SRI Sports - \$124,785.44 (Negotiated to Engineer's estimate)

Garrison water main replacement project - the area bounded by 13th Street, Ohio, 2nd Street, and Minnesota. (448-89414/634031/773202) Traffic to be maintained during construction using flagpersons and barricades. (District I)

Mies Construction - \$793,106.60

Storm Water Drain #200 to serve Shadow Woods Addition - north of Maple, west of 135th Street West. (468-83597/751333/785224) Does not affect existing traffic. (District V)

Unruh Excavating - \$125,102.38

Mayans moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: 66" steel pipe. (181222)

Pittsburgh Pipe/TDI - \$37,800.000 (Total net bid)

PUBLIC WORKS DEPARTMENT/STREET MAINTENANCE DIVISION: Bricks. (132225)

Kansas Building Products - \$0.1600 (per brick/delivered)
\$0.1400 (per brick/picked up)

PUBLIC WORKS DEPARTMENT/STREET MAINTENANCE DIVISION: Joint and crack seal. (132225)

Deery American Corporation - \$0.1919 (Group 1/per lb.)

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WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Utility vehicle. (184754)

Wichita Tractor Co. - \$15,260.00 (Total net bid)

PARK DEPARTMENT/RECREATION DIVISION: Install irrigation system - soccer field. (785039)

Lawn Sprinkler Services LLC - \$23,810.05 (Total base bid/Group 1)

AIRPORT DEPARTMENT/ENGINEERING DIVISION: Cooling tower replacement. (501110)

American Mechanical Inc. - \$233,400.00 (Negotiated to Engineer's estimate)

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

CMB

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>New Establishment</u>	<u>2003</u>	<u>(Consumption on Premises)</u>
Allen Moore	Two Fat Chefs Inc.*	615 East 47th Street South
<u>New Establishment</u>	<u>2003</u>	<u>(Consumption off Premises)</u>
Bich Jennifer Nguyen	Asian Market Inc.	1815 East Central
<u>New Operator</u>	<u>2003</u>	<u>(Consumption off Premises)</u>
Kulwinder Singh Jaswal	Petro America LLC	802 North West Street

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion --
-- carried

Mayans moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) Water distribution system to serve Woodland Lakes Third Addition - north of Harry, west of 127th Street East. (448-89785/735128/470798) Does not affect existing traffic. (District II) - \$164,000.00
- b) Water distribution system to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East. (448-89820/735126/470796) Does not affect existing traffic. (District II) - \$38,000.00
- c) Water distribution system to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East. (448-89821/735127/470797) Does not affect existing traffic. (District II) - \$36,000.00

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d) Lark, from the south line of Pawnee Avenue to the south line of Atlanta; Atlanta from the east line of Lark Lane, east to and including cul-de-sac; Westgate, from the south line of Atlanta Court, south to the west line of the plat; Westgate Court (Lots 22 thru 39, Block A), from the east line of Westgate east to and including cul-de-sac; Yosemite from the west line of Maize Road, west to the west line of the plat; Yosemite Court from the north line of Yosemite, north to and including cul-de-sac; Lamp, from the north line of Yosemite north to and including cul-de-sac; Sidewalk on Lark, Atlanta, Westgate, Yosemite, and within Reserve "C" to serve Southern Ridge Addition - south of Pawnee, west of Maize. (472-83681/765778/490889) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$786,000.00

e) Wellington, from 27th to 29th Street North to serve Montrose Addition, Montrose Park Addition, and Bud Palmer Addition - south of 29th Street North, west of Broadway. (472-83481/765716/490827) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$222,000.00

f) Park Place, from 27th to 28th Street North to serve Montrose Park Addition - south of 29th Street North, west of Broadway. (472-83479/765720/490831) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$124,900.00

g) 28th Street North from the east line of Fairview to the west line of Wellington Place and from the east line of Wellington Place to the west line of Park Place to serve Montrose Park and McCoskey Additions - south of 29th Street North, west of Broadway. (472-83480/765719/490830) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$89,600.00

h) Lateral 142, Main 4, Sanitary Sewer #23 to serve Jones Park Addition - south of 37th Street North, west of Broadway. (468-83603/743983/480671) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$23,000.00

i) Kellogg (US 54) and Rock Road Interchange Part 2: Reinforced Concrete Box Bridges on Armour Tributary to Dry Creek and on Gypsum Creek - Kellogg & Rock Road. (468-83631/702324/401341) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$5,899,200.50

j) Cherry Creek from the east line of 127th Street East to Sierra Hills; Horseback from the north line of Cherry Creek to the north line of Sierra Hills Addition; Sierra Hills from Cherry Creek to the east line of Lot 17, Block 2, Sierra Hills/Sierra Hills Circle, from Cherry Creek to and including cul-de-sac; Sierra Hills Court from the west line of Sierra Hills to and including cul-de-sac (Lots 28-35, Block 5); Triple Crown from the east line of Sierra Hills to the north line of Lot 4, Block 4; Triple Crown Court from the south line of Triple Crown to and including cul-de-sac; Sidewalk on one side of all through, non cul-de-sac streets and the loop street of Sierra Hills, Triple Crown and Mt. Vernon. Horseback Street shall be paved with a temporary cul-de-sac at the north line of the addition to serve Sierra Hills Addition - east of 127th Street East, north of Pawnee. (472-83703/765791/490902) Does not affect existing traffic. (District II) - \$848,000.00

k) Water line relocations in Central, from Maize to Tyler - along Central between Maize and Tyler. (448-89795/636122/773518) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$225,000.00

Motion --carried

Mayans moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

PETITION

PETITION FOR WATER DISTRIBUTION SYSTEM TO SERVE LOT 1, BLOCK 1, LESTER TURLEY ADDITION – WEST OF MERIDIAN, SOUTH OF 19TH STREET NORTH.
(District VI)

Agenda Report No. 03-0615

The Petition has been signed by two owners, representing 100% of the improvement district.

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The project will extend a waterline to a new single-family home in the 1900 block of N. Richmond.

The Petition totals \$5,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion – carried

Mayans moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-282

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-89844 (west of Meridian, south of 19th Street North), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report No. 03-0633

The Tabernacle Baptist Church requests permission to close Volutsia Street between 17th and 18th Streets for their Annual Vacation Bible Event and also for their Family and Friends Day. Signatures have been received from residents along Volutsia whose driveways will be affected.

--Vacation Bible School – June 23-June 27, 2003, beginning at 5:00 p.m. until 8:00 p.m.

--Family and Friends Day – June 28, 2003, beginning at 9:30 a.m. until 5:00 p.m.

Tabernacle Baptist Church is responsible for necessary barricades and flashers to close the street and notification of affected businesses and residents. They agree that no intersections are to be blocked and that access by emergency vehicles must be maintained. They also agree that the City of Wichita is to be held free and harmless from any claim of liability for personal injury or property damage that may arise from conduct during these events.

There are no financial considerations.

Motion -- carried

Mayans moved that the street closure requests be approved. Motion carried 7 to 0.

STORM WATER

NOTICE OF INTENT FOR STORM WATER DISCHARGE. (District I)

Agenda Report No. 03-0616

In the early 1990's, the Environmental Protection Agency implemented Phase I of its storm water discharge program as required under the Federal Clean Water Act. A part of those regulations required that the City of Wichita file Notices of Intent (NOI) to discharge storm water from nine of our municipal industrial facilities, and prepare a storm water pollution prevention plan for each. Black and Veatch Consulting Engineers completed this work in September 1992.

In 1992, the decision was made not to file a NOI for the Northeast Substation as it was due to be phased out. That did not happen and over time the facility has been expanded. Also, in this interim time period, the City has constructed a new transit service facility. Federal law requires that NOI's to discharge and storm water pollution prevention plans be prepared for both facilities.

The Agreement is for the not to exceed amount of \$10,889. The funding source is from the Transit and Street Maintenance Operating Budgets and each would be charged \$5,444.50 for the work.

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Motion -- Mayans moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

YOUTH RECREATION CDBG YOUTH RECREATION AND ENRICHMENT PROGRAM.

Agenda Report No. 03-0617

On March 4, 2003, the City Council allocated Community Development Block Grant (CDBG) funds for the 2003/2004-program year. Included in the 2003/2004 CDBG allocations were funds for a youth recreation program. Administration of the program was procured through a competitive Request for Proposal (RFP).

The grant was approved for the Youth Activity Advancement Alliance, a consortium of service agencies involved in recreation and teaching to administer after school programs for middle-school aged youth. The YMCA is the coordinating agency this year for carrying out the activities of the program. This agency will administer the contract and coordinate recreation and enrichment services for approximately 2,805 low/moderate income youth enrolled in middle school (grades 6 through 8). The contract term is twelve months beginning July 1, 2003 and ending June 30, 2004.

The contract approved for the Youth Alliance program is \$150,000 and is funded in the approved 2003/2004 CDBG budget.

Motion -- Mayans moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

WATERFRONT ADD. SUPPLEMENTAL - CONSTRUCTION ENGINEERING AND STAKING FOR THE BEECH LAKE DEV. WATERFRONT ADDITION AND BEECH LAKE DEVELOPMENT – EAST OF WEBB, NORTH OF 13TH. (District II)

Agenda Report No. 03-0618

The City Council approved the project on October 1, 2002. On January 7, 2003, the City approved an Agreement with MKEC Engineering Consultants, Inc. (MKEC) to design the improvements. The Design Agreement with MKEC requires MKEC to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and MKEC provides for construction engineering and staking for the improvements in The Waterfront Addition & Beech Lake Development. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$40,000 and will be paid by special assessments.

Motion -- Mayans moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

SCHOOLS CDBG COMMUNITIES IN SCHOOLS.

Agenda Report No. 03-0619

On March 4, 2003, the City Council allocated Community Development Block Grant (CDBG) funds for the 2003/2004 program year. Included in the 2003/2004 CDBG allocations were funds for Communities in Schools to provide and coordinate youth and adult services at the Stanley Elementary School.

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Services to be provided include family literacy and parenting classes as well as tutoring, mentoring and counseling to approximately 50 students and their parents during the contract period of July 1, 2003 through June 30, 2004.

The contract amount is \$25,000 and is funded in the approved 2003/2004 CDBG budget.

Motion --
-- carried

Mayans moved that the Agreement/Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

CATHOLIC CHARITIES

CDBG CATHOLIC CHARITIES, INC. – HARBOR HOUSE.

Agenda Report No. 03-0620

On March 4, 2003, the City Council allocated Community Development Block Grant (CDBG) funds for the 2003/2004 program year. Included in the 2003/2004 CDBG allocations were funds for women's shelter services. Women's shelter services were procured through a competitive Request for Proposals.

The contract with Catholic Charities for Harbor House provides operating assistance for a shelter for victims of domestic violence. The contract stipulates that Harbor House will provide shelter to a minimum of 300 women and children and outreach services to an additional 200. The contract term is twelve months beginning July 1, 2003 and ending June 30, 2004.

The contract amount for Harbor House is \$68,000 and is funded in the approved 2003/2004 CDBG budget.

Motion --
-- carried

Mayans moved that the Agreement/Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

LEASE

THUNDER HOCKEY OFFICE LEASE.

Agenda Report No. 03-0621

In 1995, the City of Wichita entered into an agreement with Canlan Ice Sports for the management of the Wichita Ice Sports Center, located at Maple and Sycamore in downtown Wichita. Pursuant to the management agreement, Canlan has leased approximately 2,200 sq. ft. of space in the Ice Center to the Thunder Hockey Team to serve as the team's corporate front office. The original lease with the Thunder expired in 2002 and the lease has been extended on a month-to-month basis. A new one-year lease has been negotiated between Canlan and the Thunder. Under the terms of the management agreement with Canlan, the City must approve the terms of the new lease.

Under the original lease, the Thunder leased the office space plus a team locker room for \$10.00 per square foot. The Thunder subsequently relinquished its lease on the locker room. The terms of the new lease call for the team to lease office space only at a rate equal to approximately \$11.80 per square foot. Included in the lease rate is 12 hours of free use of one of the two ice rinks for team practices, training camp or exhibition games. Access to dressing rooms during the use of the ice rink is also included.

The revenues generated by the operation of the Wichita Ice Sports Center, including Thunder office lease income, belong to the City of Wichita and are used to defray the operating expenses of the facility.

Motion --
-- carried

Mayans moved that the Office Lease between the Ice Sports Center and Thunder Hockey be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

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RIVERSIDE PARK

PARKING LOT AND IMPROVEMENTS TO CENTRAL RIVERSIDE PARK. (District VI)

Agenda Report No. 03-0622

On February 4, 2003, the City Council approved increasing the budget for improvements to Riverside Park from \$5,000,000 to \$5,450,000 and awarding the contract (excluding the street work) to Robl Construction, Inc.

Robl Construction's contract includes improvements and modifications to enhance the public's recreational/cultural experience in Central Riverside Park, an area surrounding Park Villa, and in Oak Park. This includes constructing ponds, walks, a fountain, and other features.

Change Order #3: The following items of work are included in this Change Order:

- In constructing the parking lot in Central Riverside Park, a large area of very unstable soil was discovered that our engineers determined had to be removed and replaced with good soil for proper compaction. This work, which was not anticipated and was not included in the original contract, has been completed to keep the project moving and on schedule. (\$42,111.00)
- The project was designed for water service to the renovated buildings and additional needs in the Wichita Wild area to be provided from an existing water main. This old water main was then replaced and relocated by the Water Department as a separate project after this Park project went to bid. This change is to install water distribution piping coming from the new main per the revised design. (\$26,040.00)
- Install an aeration system in the new lake. This was inadvertently omitted from the original contract. (\$3,500.00)

This Change Order totaling \$71,651.00 will be funded from the project budget. (Project No. 390148, OCA No. 785016) The unencumbered balance is \$479,306.27.

The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion --
-- carried

Mayans moved that the Change Order be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

RIVERSIDE PARK

ROUNABOUT IMPROVEMENTS TO CENTRAL RIVERSIDE PARK. (District VI)

Agenda Report No. 03-0623

On January 14, 2003, the City Council approved awarding a contract for street work, as part of the Riverside Park Improvements project, to Cornejo & Sons, Inc. The contract included new traffic roundabouts on Murdock and Nims, improvements to Stackman Drive, removal of Murdock through the park, and other miscellaneous work.

As work has progressed on improvements to Stackman Drive, certain additional improvements have come to light that are needed for a proper job but which were not included in the initial contract. The contractor has been authorized to proceed with this work immediately to keep the project moving and on schedule.

Change Order #1: The following items of work are included in this Change Order:

- Remove 1240 LF of existing curb and gutter on Stackman Drive, and replace with new curb and gutter meeting City standards.
- Install a total of six new concrete drainage flumes through curb per engineering design.
- Install yellow reflective surface in the recessed area of the planter wall in the center of both the Murdock and Nims Street roundabouts. This will be continuous around the perimeter of both planters and will be a safety device to help warn approaching drivers at night.

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This Change Order totaling \$23,615.00 will be funded from the project budget. (Project No. 390148, OCA No. 602411) The unencumbered balance is \$479,306.27.

The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion --
-- carried

Mayans moved that the Change Order be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

FTA

FEDERAL TRANSPORTATION ADMINISTRATION GRANT APPLICATION RESOLUTION AUTHORIZING SECTION 5309 GRANT APPLICATION.

Agenda Report No. 03-0624

The Federal Transportation Administration (FTA) grant application process requires a resolution by the governing body authorizing staff to file grant applications to receive funds and administer the grant's program. The purpose of this Resolution is to authorize staff to file for federal funds under Section 5309, which is a discretionary capital investment program, typically for bus and associated equipment. In FY 2001, Wichita was awarded \$2,970,945 in federal funds under the Section 5309 program. These allocations were sought primarily for purchasing replacement buses for WT's 1980 and 1983 buses in 2002, as well as intelligent transportation systems (ITS) modernization projects. \$327,102 remains under this FY 2001 award for ITS projects. According to FTA, this grant must be approved by September 2003, or these remaining funds will lapse. Section 5309 is an 80% federal, 20% local/state match grant program.

The proposed Resolution authorizes funding to support Wichita Transit's ITS program. This grant will support the implementation of the planned automatic vehicle location / mobile data terminal (AVL/MDT) system which provides the means for tracking buses and vans, and improves vehicle scheduling and dispatch functions. The AVL/MDT system will also set the stage for further ITS programs in customer service and operations scheduling and improved management of manpower and equipment.

The remaining FY 2001 federal funding allocation equals \$327,102. Total grant application is \$408,877 with a local match (20%) of \$81,775 will be supported by the Kansas Department of Transportation (KDOT) FY 2004 annual allocation. KDOT has not awarded as of yet; however, the City can reasonably expect the necessary approvals and awards by July to implement Wichita Transit's ITS/AVL program.

Motion -- carried

Mayans moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-310

A Resolution authorizing the filing of an application with the Federal Transit Administration, an Operating Administration of the United States Department of Transportation, for Federal Transportation Assistance Authorized by 49 U.S.C. Chapter 53, Title 23 United States Code, and other Federal Statutes administered by the Federal Transit Administration to support FY 2004 Section 5309 Projects, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayan.

EVERGREEN LIB.

SPECIAL POPULATIONS GRANT – EVERGREEN BRANCH LIBRARY. (District VI)

Agenda Report No. 03-0625

Federal funding for special library initiatives is available through the Library Services and Technology Act administered at the federal level by the Institute of Museum and Library Services. The Kansas State Library receives these federal funds and distributes them to local libraries in accordance with a five-

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year plan developed by the State Library Advisory Commission, the State LSTA Advisory Council and the State Librarian. The Wichita Public Library has been selected to receive a \$3,000 grant to purchase adult materials in Spanish for the new Evergreen District Branch Library as part of the special populations component of the state plan.

Library staff has formed a number of collaborations with Hispanic groups within the Evergreen library service area. These partnerships have been key to the great amount of interest in Spanish materials available from the Evergreen branch. Demand for these materials far exceeds the Library's ability to expand its Spanish language collection. Acceptance of the grant will help expand Evergreen's adult materials in Spanish by approximately 120 items. – 20% of the current Evergreen collection.

All of the \$3,000 grant award will be used for the purchase of materials. The Library's Board of Directors discussed the grant opportunity at its May 20 meeting and recommends acceptance of the grant and approval of the contract with the State Library.

Motion --
-- carried

Mayans moved that the Grant Application and Contract be accepted; and the necessary signatures be authorized. Motion carried 7 to 0.

COND. AWARD

PAYMENT OF CONDEMNATION AWARD – CENTRAL RAIL CORRIDOR PROJECT. **(Districts III and VI)**

Agenda Report No. 03-0626

The City has identified the need to acquire three properties in connection with the Central Rail Corridor Project. The properties are 750 East Pawnee; 800 East Pawnee; and 943 N. Santa Fe. Early this year the City initiated eminent domain proceedings to acquire these properties. On May 19, 2003, the court appointed appraisers filed their award. They determined the compensation to be paid for the acquisition to be \$256,000.00. The court awarded the three appraisers fees in the amount of \$12,000.00. Court costs are \$110.

In order for the City to acquire this right-of-way, it must pay the award, together with fees and costs, to the Clerk of the District Court on or before June 18, 2003.

The costs of acquiring these properties will be paid from project funds.

The City has until June 18, 2003, to decide whether or not to acquire the property. If payment is not made to the Clerk by that date, the eminent domain is deemed abandoned.

Motion --
-- carried

Mayans moved that the payment to the Clerk of the District Court in the amount of \$268,110 be approved and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

PROPERTY ACQUISITION – SOUTHWEST CORNER OF KELLOGG AND GREENWICH ROAD. (District II)

Agenda Report No. 03-0627

In October 1998, staff was instructed to pursue purchases on an opportunity basis or to preserve the corridor along East Kellogg to K-96. Corridor preservation occurs when development or redevelopment is planned in the corridor that will significantly impact future acquisition costs. The site at the southwest corner of Kellogg and Greenwich Road is such a site. It is currently developed as a mobile home sale lot. It has been acquired and the purchaser intends to redevelop the site with an automated car wash. The planned expansion of Kellogg will require the north 100 to 114 feet of the site. An advance purchase of the needed right-of-way has been negotiated to ensure that the improvements will not be developed in such a way as to require acquisition when the intersection project is initiated.

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The owner has agreed to sell the required frontage at the same cost per square foot as he is purchasing the entire site. He is paying \$1,200,000 for an estimated 107,963 square feet. The required right-of-way totals 27,080 square feet providing a purchase price of \$301,000. Actual purchase price will be adjusted based on the size of the site determined by a final survey. In addition, the buyer is dedicating 2,066 square feet to the City as a utility easement to the City at no cost to the City.

The Capital Improvement Program includes funds for acquisitions. The funding source will be local sales tax revenues. A budget of \$305,000 is requested. This includes \$301,000 for the acquisition, and \$4,000 for closing costs, surveys and title insurance.

Motion --
-- carried

Mayans moved that the budget, Contract and Lease Agreement be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY DISP.

SALE OF SURPLUS PROPERTY – 505 SOUTH PERSHING. (District III)

Agenda Report No. 03-0628

This property is located on Pershing Street, south of Kellogg Dr. The property was purchased in 1994 for the Kellogg/Oliver Improvement Project. The improvements were razed and the lot is now vacant. The site contains approximately 7,000 square feet. Zoning is General Office with Two-Family Residential adjacent to the subject site. Drive access to the property is restricted to Pershing Street.

All City departments have been notified and have shown no interest in the property.

The City will receive cash consideration for the sale of the property. The surplus and sale of this property to a private party will place additional value into the tax base.

Motion -- carried

Mayans moved that the property be declared as surplus and available for sale. Motion carried 7 to 0.

ORDINANCES

FIRST READING ORDINANCES:

a) Sidewalk repairs.

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the City of Wichita, Kansas, introduced and under the rules laid over.

b) Building condemnations.

An ordinance making a special assessment to pay for the removal of certain structures, being dangerous and unsafe buildings which have been declared a nuisance (building condemnation) under the provision of Sections 18.16.010 to 18.16.090 of the Code of the City of Wichita, Kansas, introduced and under the rules laid over.

c) Lot cleanup.

An Ordinance making a special assessment to pay for the cost of abating certain public health nuisances (lot clean up) under the provision of Section 7.40.050 of the Code of the City of Wichita, Kansas. Be it ordained by the governing body of the City of Wichita, Kansas, introduced and under the rules laid over.

AMENDMENT TO ORDINANCE LEVYING ASSESSMENTS.

Agenda Report No. 03-0629

The authorizing Ordinance adopted by Council on April 1, 2003, provided for the levying of assessments for the purpose of paying a portion of the cost of improving 37th Street North to serve Ridge Port North Addition.

The amending Ordinance corrects the assessments to the effected property owners.

This amendment has no fiscal impact on the City.

ORDINANCE

An Ordinance amending Ordinance No. 45-646 of the City of Wichita, Kansas, levying assessments on lots, pieces, and parcels of land in the City of Wichita, Kansas, for the purpose of paying a portion of the cost of improving 37th Street North to serve Ridge Port North Addition (490-800/472-83114/765689), introduced and under the rules laid over.

SECOND READING ORDINANCES: (FIRST READ JUNE 3, 2003)

2003 Arterial street and waterline replacement. (Districts I, II, V, and VI)

ORDINANCE No. 45-733

1. An Ordinance declaring the intersection of First Street at Hydraulic (472-83750) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCE NO. 45-734

2. An Ordinance declaring 29th Street North, from one-half mile west of Maize Road to Maize Road (472-83752) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCE NO. 45-735

3. An Ordinance declaring the intersection of Tyler at Yosemite (472-83757) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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ORDINANCE NO. 45-736

4. An Ordinance declaring Woodlawn, from Central Avenue to 13th Street (472-83758) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

b) ZON2002-12 – south side of Kellogg, east of Hillside. (District III)

ORDINANCE NO. 45-737

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick county unified zoning code, section v-c, as adopted by section 28.04.010, as amended. ZON2002-12, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

c) ZON2003-00021 - southwest of the Market/Murdock Intersection. (District VI)

ORDINANCE NO. 45-738

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick county unified zoning code, section v-c, as adopted by section 28.04.010, as amended, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. ZON2003-00021

d) A03-13 – east of North Maize Road; and segments on 29th and 37th Streets North. (District V)

ORDINANCE NO. 45-739

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. A03-13

PLANNING AGENDA

SUB 2003-07

SUB2003-07 – PLAT OF FOX RIDGE ADDITION – NORTH SIDE OF 29TH STREET NORTH. (District V)

Agenda Report No. 03-0630

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (8-5)

This site is located in the County adjoining Wichita's city limits and has recently been annexed into the City. The Applicant has requested a zone change (ZON 2003-15) from LC, Limited Commercial for property in the southeast portion of the plat to SF-5, Single-Family Residential.

Petitions, all 100%, have been submitted for water, paving, sewer and drainage improvements. A Certificate of Petitions has been submitted. To provide for off-street parking for lots adjacent to narrow streets, a Restrictive Covenant was submitted requiring that four (4) off-street spaces be provided for

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each such lot. The Restrictive Covenant also provides for the ownership and maintenance of the reserves.

The negative Planning Commission votes indicated concerns regarding street names. The Address Committee unanimously recommended that Cora replace Fox Ridge as a street name in this addition. As approved by the Metropolitan Area Planning Commission, the plat denotes "Westlakes" replacing "Fox Ridge."

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the Ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petitions and Restrictive Covenant will be recorded with the Register of Deeds.

Motion --

-- carried

Mayans moved that the documents and Plat be approved; the necessary signatures be authorized the Resolutions be adopted; and the ZON2003-15 Ordinance be placed on first reading with publication being withheld until such time as the Plat is recorded with the Register of Deeds. Motion carried 7 to 0.

RESOLUTION NO. 03-283

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89832, (north of 29th Street North, between Maize and Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-284

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89833, (north of 29th Street North, between Maize and Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-285

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89834, (north of 29th Street North, between Maize and Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-286

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89835, (north of 29th Street North, between Maize and Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-287

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89836, (north of 29th Street North, between Maize and Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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RESOLUTION NO. 03-288

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89837, (north of 29th Street North, between Maize and Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-289

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-89838, (north of 29th Street North, between Maize and Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-290

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89839, (north of 29th Street North, between Maize and Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-291

Resolution of findings of advisability and Resolution authorizing construction of Lateral 5, Northwest Interceptor Sewer, 468-83643, (north of 29th Street North, between Maize and Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-292

Resolution of findings of advisability and Resolution authorizing construction of Lateral 6, Northwest Interceptor Sewer, 468-83644, (north of 29th Street North, between Maize and Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-293

Resolution of findings of advisability and Resolution authorizing construction of Lateral 7, Northwest Interceptor Sewer, 468-83645, (north of 29th Street North, between Maize and Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-294

Resolution of findings of advisability and Resolution authorizing construction of Lateral 8, Northwest Interceptor Sewer, 468-83646, (north of 29th Street North, between Maize and Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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RESOLUTION NO. 03-295

Resolution of findings of advisability and Resolution authorizing construction of Lateral 9, Northwest Interceptor Sewer, 468-83647, (north of 29th Street North, between Maize and Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-296

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 206, 468-83651, (north of 29th Street North, between Maize and Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-297

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 207, 468-83652, (north of 29th Street North, between Maize and Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-298

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 590, 468-83653, (north of 29th Street North, between Maize and Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-299

Resolution of findings of advisability and Resolution authorizing improving Westlake Parkway from the west line of Tyler to the west line of Den Hollow, 472-83784, (north of 29th Street North, between Maize and Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-300

Resolution of findings of advisability and Resolution authorizing improving Brush Creek from the south line of Westlake Parkway to the south line of Lot 134, Block 4; and Brush Creek Court serving Lots 18 through 25, Block 5, 472-83785, (north of 29th Street North, between Maize and Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-301

Resolution of findings of advisability and Resolution authorizing improving Red Fox from the south line of Westlake Parkway to the south line of Silver Hollow; Silver Hollow from the east line of Red Fox Circle to the east line of Lot 106, Block 4; and Silver Hollow Court from the south line of Silver Hollow to and including the cul-de-sac, serving Lots 97 through 106, Block 4, 472-83786, (north of 29th Street North, between Maize and Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

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RESOLUTION NO. 03-302

Resolution of findings of advisability and Resolution authorizing improving Den Hollow from the south line of Westlake Parkway to the south line of Lot 48, Block 4, 472-83787, (north of 29th Street North, between Maize and Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-303

Resolution of findings of advisability and Resolution authorizing improving Silver Hollow/brush Creek from the east line of Lot 106, Block 4 to the south line of Lot 134, Block 4; Silver Hollow Court from the south line of Silver Hollow to and including the cul-de-sac serving Lots 107 through 118, Block 4; and Brush Creek Circle from the south line of Brush Creek to and including the cul-de-sac serving Lots 119 through 130, Block 4, (north of 29th Street North, between Maize and Tyler) 472-83788, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-304

Resolution of findings of advisability and Resolution authorizing improving Red Fox Circle, from the south line of Silver Hollow to and including the cul-de-sac serving Lots 83 through 96, Block 4, 472-83789, (north of 29th Street North, between Maize and Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-305

Resolution of findings of advisability and Resolution authorizing improving Den Hollow from the south line of Lot 48, Block 4 to the west line of Lot 60, Block 4; Den Hollow Court from the west line of Den Hollow to and including the cul-de-sac serving Lots 50 through 53, Block 4; Den Hollow Court from the south line of Den Hollow to and including the cul-de-sac serving lots 55 through 59, block 4; and den hollow circle from the west line of Lot 60, Block 4 to and including the cul-de-sac serving Lots 60 through 67, Block 4, 472-83790, (north of 29th Street North, between Maize and Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-306

Resolution of findings of advisability and Resolution authorizing improving Westlake Parkway from the east line of Maize Road to the west line of Den Hollow; Westlake Court serving Lots 174 through 190, Block 1, from the north line of Westlake Parkway to and including the cul-de-sac; Brush Creek Circle serving Lots 147 through 159, Block 1 from the north line of Westlake Parkway to cul-de-sac; Brush Creek Court serving Lots 160 through 173, Block 1, from the east line of Brush Creek Circle to cul-de-sac; Den Hollow from the north line of Westlake Parkway to the west line of Lot 5, Block 3; Den Hollow Circle serving Lots 130 through 141, Block 1 from the north line of Den Hollow to cul-de-sac; Wild Thicket from the north line of Westlake Parkway to the west line of Lot 5, Block 3; Wild Thicket Court serving Lots 120 through 129, Block 1 from the north line of Wild Thicket to cul-de-sac; Grey Meadow from the north line of Westlake Parkway to the east line of Flat Creek; Grey Meadow Court serving Lots 80 through 94, Block 1 from the north line of Grey Meadow to cul-de-sac; Flat Creek from the west line of Grey Meadow to the south line of Lot 79, Block 1; Flat Creek Court serving Lots 60 through 70, Block 1 from the north line of Grey Meadow to cul-de-sac; Flat Creek court serving Lots 71 through 77, Block 1 from the north line of Flat Creek Court to cul-de-sac; Westlake Court serving Lots 19 through 45, Block 1 from the north line of Westlake Parkway to cul-de-sac; Westlake Court serving Lots 10 through 18, Block 1 from the north line of Westlake Parkway to cul-de-sac; Westlake Court serving Lots 1 through 9, Block 1 from the north line of Westlake Parkway to cul-de-sac; Westlake Court serving Lots 1 through 13, Block 4 from the south line of Westlake Parkway to cul-de-sac; Westlake Court serving Lots 14 through 27, Block 4 from the south line of Westlake Parkway to cul-de-sac; Westlake Court serving Lots 28 through 41, Block 4 from the south line of Westlake Parkway to cul-de-sac; and paving an emergency entrance connecting Den Hollow Court to Westlake Parkway with gating and signing) 472-83791, (north of 29th Street North, between Maize and Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas,

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presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-307

Resolution of findings of advisability and Resolution authorizing improving a southbound left turn lane on Maize Road into Westlake Parkway, 472-83792, Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-308

Resolution of findings of advisability and Resolution authorizing improving a northbound left turn lane on Tyler Road into Westlake Parkway, 472-83793, (north of 29th Street North, between Maize and Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

RESOLUTION NO. 03-309

Resolution of findings of advisability and Resolution authorizing improving a traffic signal at the intersection of Maize Road and Westlake Parkway, 472-83794, (north of 29th Street North, between Maize and Tyler) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick county unified zoning code, section v-c, as adopted by section 28.04.010, as amended, introduced and under the rules laid over. ZON2003-15

AIRPORT AGENDA

AIRPORT

COOLING TOWER REPLACEMENT.

Agenda Report No. 03-0631

On November 5, 2002 the City Council approved a project for the replacement of the Terminal building cooling tower. The 2003 Capital Improvement Program allows for HVAC improvements, which includes the cooling tower replacement.

Bids were received May 30, 2003 and the award is deferred until the budget is increased.

The total project cost is estimated to be \$255,000, which is an \$85,000 increase. The project will be funded with General Obligation bonds to be paid by airport revenues.

Motion --
-- carried

Mayans moved that the budget increase be improved and the Resolution be adopted. Motion carried 7 to 0.

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RESOLUTION NO. A-03-006

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by the authorization of certain capital improvements to the Wichita Mid-Continent Airport Facility; and setting forth the nature of said improvements; the estimated costs thereof; and the manner of payment, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayan.

AIRPORT

TERMINAL BUILDING IMPROVEMENTS.

Agenda Report No. 03-0632

Carpet and chairs in the Terminal Building are in need of replacement. The project will be included in a revised Capital Improvement Program.

Carpet in airline gate areas, office space, walk-off mats, and carpet in the front of the Terminal Building are in need of replacement. Additionally the seating in the public areas will be replaced. The replaced carpet and seating will give the airport more control over maintenance.

The projects are estimated to cost \$715,000 and will be funded with General Obligation Bonds paid with airport revenue. The costs will be recovered through airline rental rates.

Motion -- carried

Mayans moved that the projects be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. A-03-007

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by the authorization of certain capital improvements to the Wichita Mid-Continent Airport Facility; and setting forth the nature of said improvements; the estimated costs thereof; and the manner of payment, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayan.

EXECUTIVE SESSION

Motion --

Mayans moved that the City Council recess and move to executive session at 10:30 a.m. to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending and potential litigation, and legal advice; and the City Council return to regular session in the City Council Chambers no earlier than 11:45 a.m. Motion carried 7 to 0.

-- carried

RECESS

The City Council recessed at 10:21 a.m. and returned at 10:48 a.m.

Mayor Mayans

Mayor Mayans announced that no action was necessary as a result of the executive session.

ADJOURNMENT

The City Council meeting adjourned at 10:49 a.m.

Pat Graves CMC
City Clerk